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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

KASSIE MERRITT, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

YAVONE LLC, a California limited  
liability company, HEALTHY CHOICE  
LABS, LLC, a Nevada limited liability  
company, and GLOBAL PRO SYSTEM,  
INC., a Nevada corporation,

Defendants.

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Case No. 6:15-cv-00269-TC

PLAINTIFF'S UNOPPOSED MOTION TO  
EXTEND TIME TO RESPOND TO  
DEFENDANTS' MOTIONS TO DISMISS

### **LOCAL RULE 7.1 CERTIFICATION**

The undersigned certify that counsel for Plaintiff Kassie Merritt (“Merritt” or “Plaintiff”) and Defendants Healthy Choice Labs, LLC (“Healthy Choice Labs”) and Global Pro System, Inc. (“Global Pro System”) (Healthy Choice Labs and Global Pro System together, “Defendants”) (Plaintiff and Defendants together, the “Parties”) conferred prior to the filing of this motion and that Defendants do not oppose the relief requested herein. Despite having been served on February 20, 2015, Defendant Yavone, LLC (“Yavone”) has not yet filed an appearance or, to the undersigned’s knowledge, retained counsel in this Action, and the Parties have therefore been unable to confer with Yavone regarding the relief sought herein.

### **MOTION**

Pursuant to Local Rule 16-3, Plaintiff Merritt, by and through her undersigned counsel and without opposition from Defendants Healthy Choice Labs and Global Pro System, hereby moves the Court to enter an Order briefly extending her deadline to respond to Defendants Global Pro System’s and Healthy Choice Labs’ Motions to Dismiss. In support of the instant motion, Plaintiff states as follows:

1. Plaintiff filed the Action on February 16, 2015. (Dkt. 1.)
2. On June 8, 2015, Defendants Healthy Choice Labs and Global Pro Systems filed their motions to dismiss Merritt’s Class Action Complaint. (Dkts. 32, 33.)
3. Pursuant to Local Rule 7-1(e)(1), Merritt’s deadline to oppose the Defendants’ motions to dismiss is June 22, 2015.
4. Since Defendants filed their motions, the Parties (that have appeared to date) have continued their ongoing dialogue regarding their respective views of the claims and

defenses at issue, as well as an informal exchange of information. In light of those ongoing discussions and despite the fact that Plaintiff has worked diligently to review and analyze the arguments asserted in the pending motions to dismiss, Plaintiff requires a brief three (3) week extension of her current response deadline to complete those efforts and prepare an appropriate response to the motions.

5. Accordingly, Plaintiff's counsel has conferred with counsel for Defendants and is authorized to state that Defendants have no opposition to an extension of the current briefing schedule, such that Plaintiff's responses are due no later than July 13, 2015 and Defendants' replies are due no later than July 27, 2015.

6. Plaintiff does not intend to seek any further extensions of these deadlines.

7. Based on the foregoing, good cause exists to grant the instant motion, the relief requested herein is not sought for any improper purpose, and the extension will not affect any other existing deadlines in this Action.

### **CONCLUSION**

Plaintiff Kassie Merritt, without opposition from Defendants Healthy Choice Labs, LLC and Global Pro System, Inc., respectfully requests that the Court enter an Order (i) granting the instant motion, (ii) extending her deadline to file oppositions to Defendants' motions to dismiss from June 22, 2015 to July 13, 2015, and likewise extending Defendants' deadlines to file replies in support of their Motions from July 6, 2015 to July 27, 2015; and (iii) awarding such other and further relief as the Court deems reasonable and just.

DATED this 18th day of June, 2015.

KASSIE MERRITT, individually and on behalf of  
all others similarly situated,

/s/ Courtney C. Booth

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Plaintiff's Unopposed Motion to  
Extend Time to Respond to Defendants' Motions to Dismiss on:

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*Attorneys for Defendants Global Pro System,  
Inc. and Healthy Choice Labs, LLC*

by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 18th day of June, 2015.

/s/ Courtney C. Booth  
Courtney C. Booth  
*Attorneys for Plaintiff, KASSIE MERRITT,  
individually and on behalf of all others similarly  
situated*